

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KAMAL MUZAFFAR, M.D.,

Plaintiff,

-vs-

File No. 13-CV-744-NJ

AURORA HEALTH CARE SOUTHERN
LAKES, INC.,

Defendant.

**PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT,
RULE 7(h) EXPEDITED NONDISPOSITIVE MOTION**

Plaintiff, Kamal Muzaffar, M.D. (“Plaintiff”), hereby moves the Court under Fed. R. Civ. P. 13(a)(2) for leave to file an amended complaint. The grounds for this motion are as follows.

The court should freely give leave to amend a pleading when justice so requires. Fed. R. Civ. P. 13(a)(2). Defendant has moved to dismiss the Complaint on the basis that Plaintiff is not a “hospital employee” within the meaning of the federal law on which this action is based. (*See* Docket No. 15.) 42 U.S.C. § 1395dd(i) (“EMTALA”). The amended complaint includes additional factual detail to support the application of EMTALA’s whistleblower protection to Plaintiff, as explained in Plaintiff’s Supplemental Response to Defendant’s Motion to Dismiss for Lack of Subject Matter Jurisdiction (filed herewith). (See proposed Amended Complaint attached hereto, ¶¶ 7-12.) Defendant will not be prejudiced by amendment of the complaint.

WHEREFORE, Plaintiff requests that the Court grant him leave to file an amended complaint and instruct the clerk to file the Amended Complaint attached to this motion.

Dated this 14th of October, 2013.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
Attorneys for Plaintiff

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